

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KY
2009 JAN -7 PM 12:18

UNITED STATES OF AMERICA

INDICTMENT

vs.

NO.

4:09 CR-2-M
18 U.S.C. § 371
42 U.S.C. § 300h2(b)(2)
18 U.S.C. § 1001(a)(2) and (3)

DANIEL B. LEWIS

The Grand Jury charges:

COUNT 1

On or about and between July 29, 2004, and December 12, 2007, in the Western District of Kentucky, Union County, Kentucky, and elsewhere, **DANIEL B. LEWIS**, defendant herein, did knowingly and willfully conspire and agree with others known and unknown to the Grand Jury to:

(1) commit the following offenses against the United States, that is:

A. To wilfully violate a requirement of an applicable underground injection control program by failing to establish and maintain mechanical integrity on the following Class II underground injection wells in violation of the Safe Drinking Water Act, Title 42, United States Code, Section 300h-2(b)(2) and Title 40, Code of Federal Regulations, Section 144.28(f)(2):

M.S. Rankin #36-W

Bland-Orme #1

Inez Rhea #9

Reiss-Dunker-Durham #7

M.S. Rankin #3

Reiss-Dunker-Durham #9

Inez Rhea #8

J.P. Robinson #1

Bessie Boswell #1

Pike Heirs "B"

Highland Creek Coal Co #1;

B. To knowingly and willfully make materially false, fictitious, and fraudulent statements and representations and make and use a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in matters within the jurisdiction of the Environmental Protection Agency, in violation of the False Statements Act, Title 18, United States Code, Section 1001(a) (2) and (3); and

(2) to defraud the United States, that is, to hamper, hinder, impede, impair and obstruct by craft, trickery, deceit, and dishonest means, the lawful and legitimate functions of the EPA in enforcing the federal environmental regulations.

MANNER AND MEANS

It was a part of the conspiracy that the defendant would by deceit and dishonest means, defraud the United States by interfering with and obstructing the lawful governmental functions of the Environmental Protection Agency, in that the defendant would rig underground injection wells by installing an empty piece of pipe in the ground next to the well and then connect it to the wellhead so that the inspector would measure the pressure in the empty pipe, rather than the well.

It was further a part of the conspiracy that the defendant would sign off on Mechanical Integrity Test Inspection Forms stating that a well had passed the annular pressure test, when he knew that (due to the rigging described above) the well had not been tested.

OVERT ACTS

In furtherance of the conspiracy and to achieve the objects thereof, the defendant and his co-conspirators, known and unknown to the Grand Jury, committed and caused to be committed, among others, the following overt acts in the Western District of Kentucky and elsewhere:

1. The defendant constructed and ordered others to construct a section of pipe capped on each end that would hold pressure;

2. The defendant buried and ordered others to bury these sections of pipe next to wellheads;
3. The defendant connected and ordered others to connect these buried pipes to the wellheads so that the required annular pressure test would measure the pressure in the buried pipes, not the underground injection wells;
4. Prior to the scheduled Mechanical Integrity Test, the defendant ordered others to pre-test the rigged wells to ensure that they would appear to the inspector to pass the scheduled annular pressure test;
5. On the dates and times listed below, the defendant or a co-conspirator signed off on a Mechanical Integrity Test Inspection Form stating that a well had passed the annular pressure test, when in fact (due to the rigging described above) the well had not been tested:

July 29, 2004	M.S. Rankin #36-W
August 12, 2004	Bland-Orme #1
August 12, 2004	Inez Rhea #9
August 12, 2004	Reiss-Dunker-Durham #7
August 13, 2004	M.S. Rankin #3
August 25, 2004	Reiss-Dunker-Durham #9
September 14, 2005	Inez Rhea #8

September 14, 2005 J.P. Robinson #1

December 14, 2005 Bessie Boswell #1

June 30, 2006 Pike Heirs "B"

June 30, 2006 Highland Creek Coal Co #1.

In violation of Title 18, United States Code, Section 371.

A TRUE BILL.

FOREPERSON

1/7/09

to
§
 AUSA

DAVID L. HUBER
UNITED STATES ATTORNEY

DLH:MS:RR:ls
12/11/08

UNITED STATES OF AMERICA v. DANIEL B. LEWIS

P E N A L T I E S

Count: NM 5 yr./\$250,000/both/NM 3 yrs. Supervised Release

N O T I C E

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both.
18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM 100-34
JUN 85

No.

4:09CR-2-M

UNITED STATES DISTRICT COURT

Western District of Kentucky
Owensboro Division

THE UNITED STATES OF AMERICA

vs.

DANIEL B. LEWIS

INDICTMENT

Title 18 U.S.C. §§ 371:

Conspiracy to Defraud the United States.

A true bill

1/7/09

Foreman

Filed in open court this 7th day, of January A.D. 2009.

Clerk

Bail, \$

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KY
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